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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 GERALD SPENCE,

11 Plaintiff,

No. CIV S-05-0690 GEB KJM P

12 vs.

13 DIRECTOR OF CORRECTIONS, et al.,

14 Defendants.

ORDER

15 _____/
16 On June 1, 2007, defendant filed a motion to dismiss pursuant to Local Rule 83-
17 183. Plaintiff has not opposed the motion.

18 Local Rule 78-230(m) provides in part: "Failure of the responding party to file
19 written opposition or to file a statement of no opposition may be deemed a waiver of any
20 opposition to the granting of the motion" On February 13, 2006, plaintiff was advised of
21 the requirements for filing an opposition to the motion and that failure to oppose such a motion
22 may be deemed a waiver of opposition to the motion.

23 Local Rule 11-110 provides that failure to comply with the Local Rules "may be
24 grounds for imposition of any and all sanctions authorized by statute or Rule or within the
25 inherent power of the Court." In the order filed February 13, 2006, plaintiff was advised that

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1 failure to comply with the Local Rules may result in a recommendation that the action be
2 dismissed.

3 Good cause appearing, IT IS HEREBY ORDERED that, within thirty days of the
4 date of this order, plaintiff shall file an opposition, if any, to the motion to dismiss. Failure to
5 file an opposition will be deemed as a statement of non-opposition and shall result in a
6 recommendation that this action be dismissed pursuant Federal Rule of Civil Procedure 41(b).

7 DATED: September 5, 2007.

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10 U.S. MAGISTRATE JUDGE

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